

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE APRIL 12, 2012

SENATE BILL

No. 1159

Introduced by Senator Calderon

February 22, 2012

An act to add Chapter 5.1 (commencing with Section 42250) to Part 3 of Division 30 of the Public Resources Code, relating to recycling, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as amended, Calderon. Plastic bag: labeling.

(1) Existing law requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. Existing law prohibits a city, county, or other local public agency from taking specified regulatory actions with regard to the recycling of plastic carryout bags. These requirements and prohibitions are repealed on January 1, 2013.

This bill would enact the Plastic Bag Reduction and Recycling Act of 2012 and would prohibit the operator of a supermarket, as defined, on and after July 1, 2013, from distributing a plastic carryout bag to a customer unless the plastic carryout bag displays the phrase "Please Recycle This Bag," in accordance with specified requirements. The bill would provide that a violation of this requirement by the operator of a supermarket is an infraction, thereby imposing a state-mandated local program by creating a new crime. The bill would authorize the city attorney or district attorney to bring an action against the operator of the supermarket convicted of violating this requirement for the recovery of the costs of the enforcement action.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.1 (commencing with Section 42250)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

4
5 CHAPTER 5.1. PLASTIC BAG REDUCTION AND RECYCLING ACT
6

7 42250. This chapter shall be known, and may be cited, as the
8 Plastic Bag Reduction and Recycling Act of 2012.

9 42251. The Legislature finds and declares that regulation of
10 plastic bag use, including specifying the recycled content of those
11 bags and providing recycling opportunities, requires a statewide
12 and unified approach.

13 42252. For purposes of this chapter, the following definitions
14 shall apply:

15 (a) "Manufacturer" means the producer of a plastic carryout
16 bag sold to a supermarket.

17 (b) "Operator" means a person in control of, or having daily
18 responsibility for, the daily operation of a supermarket, which may
19 include, but is not limited to, the owner of the supermarket.

20 (c) "Plastic carryout bag" means a plastic carryout bag provided
21 by a supermarket to a customer at the point of sale. A plastic
22 carryout bag does not include a reusable bag or a bag that is labeled
23 compostable, biodegradable, or degradable in accordance with
24 Chapter 5.7 (commencing with Section 42355).

25 (d) "Reusable bag" means a durable plastic bag with handles
26 that is at least 2.25 mils thick and is specifically designed and
27 manufactured for multiple reuse.

1 (e) “Supermarket” means a retail establishment that provides
2 plastic carryout bags to its customers as a result of the sale of a
3 product and meets the definition of a “supermarket” as found in
4 Section 14526.5.

5 42253. (a) Except as provided in subdivision (b), on and after
6 July 1, 2013, the operator of a supermarket shall not distribute a
7 plastic carryout bag to a customer unless the plastic carryout bag
8 displays the phrase “Please Recycle This Bag” on both the front
9 and back panel of the plastic carryout bag, which phrase meets all
10 of the following requirements:

11 (1) The phrase shall be at least one inch in height and 75 percent
12 of the width of each of the front and back panels of the bag.

13 (2) The phrase shall be displayed in a prominent location upon
14 the upper one-half of each panel and not in the gusset or on the
15 base of the bag.

16 (3) The phrase shall be printed in a bold font.

17 (b) The operator of a supermarket may distribute to a customer
18 a plastic carryout bag that does not comply with subdivision (a) if
19 the operator purchased and received the plastic carryout bag from
20 a manufacturer before July 1, 2013.

21 42254. This chapter does not prohibit any other phrase or
22 communication from being printed upon a plastic carryout bag
23 distributed by a supermarket if the phrase or communication does
24 not contradict or interfere with the label required by Section 42253.

25 42255. (a) A violation of this chapter by the operator of a
26 supermarket is an infraction.

27 (b) In addition to the penalties for an infraction specified in
28 Section 19.8 of the Penal Code, the city attorney or district attorney
29 may bring an action against the operator of a supermarket convicted
30 of a violation of this chapter to recover the costs of the enforcement
31 action.

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within
39 the meaning of Section 6 of Article XIII B of the California
40 Constitution.

1 *SEC. 3. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety within*
3 *the meaning of Article IV of the Constitution and shall go into*
4 *immediate effect. The facts constituting the necessity are:*

5 *In order to encourage the recycling of plastic bags, thereby*
6 *protecting public health and safety and the environment, it is*
7 *necessary that this act take effect immediately.*